

Remarks

In response to the Office Action mailed March 24, 2006, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1, 9, 15, 24, 30, and 36 have been amended to include the features specified in claim 5 which has been cancelled. Specifically, the claims have been amended to specify a gateway for delivering (pushing) alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. No new matter has been added.

In the Office Action, claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams et al. (Pub. No.: US 2001/0028705, hereinafter “Adams”) in view of Laybourn et al. (U.S. 6,480,710, hereinafter “Laybourn”). Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Laybourn, and further in view of Koch et al. (Pub. No.: US 2003/0002635 – erroneously referred to as 2003/0002634 in the Office Action, hereinafter “Koch”). Claims 9-11, 24-29, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Laybourn in view of Suryanarayana et al. (U.S. 6,487,401, hereinafter “Suryanarayana”) and further in view of Adams. Claims 15 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith et al. (US 6,493,547, hereinafter “Raith”) in view of Adams et al. (U.S. 6,181,785, hereinafter “Adams ‘785”) and further in view of Adams. Claims 16-17 and 31-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of Adams ‘785 and Adams and further in view of Suryanarayana.

Applicant’s Statement of the Substance of the Interview

A brief telephonic interview between the undersigned and the Examiner was held on May 12, 2006 to discuss the utilization of the reference “Koch” and the rejection of

dependent claims 3-5 in view of the cited references of record. In the interview, the undersigned pointed out that the Koch reference was assigned to the same assignee as the present application and thus was subject to disqualification as prior art under 35 U.S.C. § 103(c). The Examiner stated that if the Koch reference was disqualified as prior art, the subject matter in dependent claim 5 was not disclosed in the remaining cited art of record. The undersigned proposed cancelling claim 5 and incorporating the subject matter into the independent claims.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 2

Claims 1 and 2 are rejected as being unpatentable over Adams in view of Laybourn. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a communications system, having a prepaid architecture for managing a plurality of prepaid wireless accounts for communication services, wherein each prepaid account is associated with a prepaid subscriber. The system includes a wireless network including a mobile switch, in communication with a wireless device, the wireless device for remotely managing at least one of the prepaid accounts; a wide area network including: a prepaid account database for storing records assigned to subscribers of prepaid communications service; a prepaid application module for initializing and updating the prepaid accounts, for determining a current account balance while the prepaid communications service is in use by a subscriber, for comparing the current account balance to a recharge threshold, and for generating alerts once the current account balance falls below the recharge threshold while the prepaid communications service is in use and wherein the prepaid application

module decreases an amount of time from one alert to a subsequent alert as the current account balance continues to fall during use of the prepaid communications service; a credit card transaction server, coupled to a credit card database, for checking available credit; and a prepaid server coupled to the prepaid account database and the prepaid application module; and a gateway in communication with the mobile switch of the wireless network and in communication with the wide area network to deliver the alerts to the wireless device, wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy.

It is respectfully submitted that neither Adams nor Laybourn, alone or in combination, teaches, discloses, or suggests each of the features specified in amended independent claim 1. For example, neither reference discloses a gateway in communication with a mobile switch of a wireless network and in communication with a wide area network to deliver alerts to a wireless device, wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. In the Office Action, it is conceded that neither Adams nor Laybourn, in combination, teaches wireless Application Protocol (WAP) features to apply into a wireless network so as to enable wireless terminals base stations and gateways to transceiver text-based and/or voice based content (see paragraph 5 of Office Action for discussion of claims 3-5 – as noted above, claim 5 has been incorporated into amended independent claim 1). The Office Action further relies on Koch to teach the aforementioned WAP features.

Applicants respectfully submit that Koch, which under an obligation of assignment to the same assignee as the present application, should be disqualified as prior art under 35 U.S.C. § 103(c) because it fails to qualify as prior art under 35 U.S.C. §

102(e). The publication date of the Koch application is after the filing date of the present application (i.e., not more than one year prior to the filing date of the present application) and thus Koch would only qualify as prior art under 35 U.S.C. § 102(e). However, since the inventors of the Koch application and the present application are the same, Koch fails to qualify as prior art since Koch is not an application filed “by another” as required by 35 U.S.C. § 102(e). Moreover, even assuming, without conceding, that Koch did qualify as prior art under 35 U.S.C. § 102(e), Koch and the present application are both under an obligation of assignment to BellSouth Intellectual Property Corporation of Wilmington, Delaware. Therefore, Koch would also be subject to disqualification as prior art under 35 U.S.C. § 103(c) as well.

Since, as previously conceded, neither Adams nor Laybourn teaches, discloses, or suggests all of the features specified in amended independent claim 1 and Koch is disqualified as prior art, claim 1 is allowable and the rejection of this claim should be withdrawn. Claim 2 depends from amended independent claim 1 and thus recites at least the same features. Therefore, claim 2 is also allowable for at least the same reasons as claim 1. Accordingly, the rejection of this claim should also be withdrawn.

Claims 3-5

Claims 3-5 are rejected as being unpatentable over Adams in view of Laybourn and Koch. As noted above, claim 5 has been cancelled. Claims 3-4 depend from claim 1 and specify at least the same features. As discussed above, claim 1 is allowable over Adams and Laybourn and Koch is disqualified as prior art. Therefore, claims 3-4 are allowable for at least the same reasons and the rejection of these claims should be withdrawn.

Claims 9-11, 24-29, and 36

Claims 9-11, 24-29, and 36 are rejected as being unpatentable over Laybourn in view of Suryanarayana and further in view of Adams. Independent claims 9, 24, and 36 have been amended to specify a gateway for pushing alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. As conceded in the Office Action, the combination of Adams and Laybourn fails to teach, disclose, or suggest this feature. In the Office Action, Suryanarayana is relied upon for teaching prepaid wireless telephone account regeneration in a wireless protocol system. However, Suryanarayana also fails to teach, disclose, or suggest a gateway for pushing alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. Therefore, amended independent claims 9, 24, and 36 are allowable and the rejection of these claims should be withdrawn.

Claims 10-11 and 25-29 depend from amended independent claims 9 and 24 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons as claims 9 and 24 and the rejection of these claims should also be withdrawn.

Claims 15 and 30

Claims 15 and 30 are rejected as being unpatentable over Raith in view of Adams '785 and further in view of Adams. Independent claims 15 and 30 have been amended to specify a gateway for pushing alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. As conceded in the Office Action, Adams fails to teach, disclose, or suggest this feature. In the Office Action, Raith is relied upon for allegedly teaching a method and apparatus for providing usage

information in a wireless communication system and Adams '785 is relied upon for allegedly teaching a communication system wherein charge data can be sent to a user after a call by querying a network element for this information after call termination. However, the Office Action concedes that both Raith and Adams '785 fails to teach the pushing of alerts to a wireless device during a communication session once the current account balance falls below the recharge threshold amount. Thus, Raith and Adams '785 also fail to teach, disclose, or suggest a gateway for pushing alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy.

Since, as discussed above, the combination of Raith, Adams '785, and Adams fails to teach, disclose, or suggest each of the features specified in amended independent claims 15 and 30, these claims are allowable and the rejection of these claims should be withdrawn.

Claims 16-17 and 31-32

Claims 16-17 and 31-32 are rejected as being unpatentable over Raith in view of Adams '785 and of Adams and further in view of Suryanarayana. Claims 16-17 and 31-32 depend from amended independent claims 15 and 30, respectively and specify at least the same features. As discussed above, neither Raith, Adams '785, Adams nor Suryanarayana teaches, discloses, or suggests a gateway for pushing alerts wherein the gateway is selected from the group consisting of a push proxy and a WAP push proxy. Therefore, the combination of these references fails and the rejection of claims 16-17 and 31-32 should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Date: June 23, 2006

Respectfully submitted,

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